

turned its face from the practical world, to pore over doctrines which, had their original authors been as impervious to realities as their later exponents, would never have been formulated. Naturally it was shouldered aside. It was neglected, because it had become negligible.

This defect was fundamental. It made itself felt in countries where there was no Reformation, no Puritan movement, no common law jealous of its rights and eager to prune ecclesiastical pretensions. But in England there were all three ; and, from the beginning

of the last quarter of the sixteenth century, ecclesiastical authorities who attempted to enforce traditional morality had to reckon with a temper which denied their right to exercise any jurisdiction at all, above all, any jurisdiction interfering with economic matters. It was not merely that there was the familiar objection of the plain man, that parsons know nothing of business—that

"it is not in simple divines to show what contract is lawful and what is not."⁸⁷ More important, there was the opposition of the common lawyers to part, at least, of the machinery of ecclesiastical discipline.

Bancroft in 1605 complained to the Privy Council that the judges were endeavouring to confine the jurisdiction of the ecclesiastical courts to testamentary and matrimonial cases, and alleged that, of more than five

hundred prohibitions issued to stop
proceedings in the
Court of Arches since the accession of
Elizabeth, not
more than one in twenty could be
sustained.⁸⁸ "As
things are," wrote two years later the
author of a
treatise on the civil and ecclesiastical law, "
neither
jurisdiction knowes their owne bounds,
but one
snatcheth from the other, in maner as in a
batable
ground lying betweene two kingdomes."^M
The
jurisdiction of the Court of High Commission
suffered
in the same way. In the last resort appeals
from the
ecclesiastical courts went either to it or to
the Court
of Delegates. From the latter part of the
sixteenth